



U.S. Department of Justice

*United States Attorney  
Eastern District of New York*

RAB:DDB  
F.#2009R00082

*271 Cadman Plaza East  
Brooklyn, New York 11201*

October 5, 2010

By ECF

The Honorable I. Leo Glasser  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: United States v. Edward Vaysman  
Criminal Docket No. 08 CR 466 (ILG)

Dear Judge Glasser:

The government writes to respectfully oppose the defendant's request for an adjournment of the Fatico hearing in this case. The defendant has known for over a month that the government intended to call witnesses at the October 7, 2010 sentencing hearing. The government scheduled time to do so with chambers, advising that sufficient time was needed to call sentencing witnesses. The specific time for the hearing was scheduled after the government consulted with the defendant. The parties jointly picked a date on which both parties' experts were available to testify. The government's expert is presently en route to New York from Atlanta and it is too late to cancel his trip.

The government served its 3500 material for its two witnesses via federal express yesterday and the defendant will receive it today. Serving 3500 material two business days before a Fatico hearing is hardly atypical. As to the government's expert disclosure, the defendant has, for the past six months, had in his possession the government's expert's resume and detailed thirty page, single spaced expert report. See Government's April 14, 2010 Sentencing Memorandum at Exhibits 2 and 3. Finally, the government does not oppose the defendant's request for additional time to respond to the Government's Sentencing Letter, but there is no need to adjourn the Fatico hearing until the defendant responds.

Accordingly, for the above reasons, the government respectfully opposes the defendant's request to adjourn the Fatico hearing in the above case.

Thank you for your attention.

Respectfully submitted,

LORETTA E. LYNCH  
United States Attorney

By:                     /s                      
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